UNITED STATES PATENT AND TRADEMARK OFFICE



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# NOTICE OF ALLOWANCE AND FEE(S) DUE

86244 7590 10/02/2009

Snell & Wilmer L.L.P., (Barker) One Arizona Center 400 East Van Buren Street Pheonix, AZ 85004-2202

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FRENEL, VANEL

ART UNIT PAPER NUMBER

3687 DATE MAILED: 10/02/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,545	03/10/2004	David S. Bonalle	54022.1200	2544

TITLE OF INVENTION: SYSTEM AND METHOD FOR SECURING RF TRANSACTIONS USING A RADIO FREQUENCY IDENTIFICATION DEVICE INCLUDING A TRANSACTIONS COUNTER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/04/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:	If the SMALL ENTITY is shown as NO:
A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.	A. Pay TOTAL FEE(S) DUE shown above, or
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or	B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

#### PART B - FEE(S) TRANSMITTAL

# Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 or <u>Fax</u> (571)-273-2885

appropriate. All further	correspondence includir ed below or directed oth	ng the Patent, advance of	UE FEE and PUBLICAT orders and notification of r (a) specifying a new corres	naintenance fees w pondence address;	vill be r ; and/or	nailed to the current (b) indicating a sepa	correspondence address as arate "FEE ADDRESS" for
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)				Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.			
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One Arizona Ce 400 East Van Bi	uren Street		I he Stat addı tran	reby certify that th	is Fee(s	of Mailing or Trans ) Transmittal is being icient postage for firs (SSUE FEE address 1) 273-2885, on the d	mission g deposited with the United st class mail in an envelope above, or being facsimile ate indicated below.
Pheonix, AZ 85	004-2202						(Depositor's name)
							(Signature)
							(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR		ATTOF	RNEY DOCKET NO.	CONFIRMATION NO.
10/708,545	03/10/2004	•	David S. Bonalle			54022.1200	2544
	N: SYSTEM AND ME A TRANSACTIONS CC		NG RF TRANSACTIONS	USING A RADI	O FRE	QUENCY IDENTIF	ICATION
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSU	E FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0		\$1810	01/04/2010
EXAM	IINER	ART UNIT	CLASS-SUBCLASS				
FRENEL	, VANEL	3687	705-016000				
<ul> <li>Fee Address" ind PTO/SB/47; Rev 03- Number is required.</li> <li>ASSIGNEE NAME A PLEASE NOTE: Un</li> </ul>	ND RESIDENCE DATA less an assignee is ident th in 37 CFR 3.11. Comp	" Indication form ed. Use of a Customer A TO BE PRINTED ON ified below, no assignee	<ul> <li>(1) the names of up to or agents OR, alternative</li> <li>(2) the name of a single registered attorney or a 2 registered patent attorney or a 2 registered patent attorney of a 1 sted, no name will be</li> <li>THE PATENT (print or type data will appear on the port a substitute for filing an (B) RESIDENCE: (CITY)</li> </ul>	vely, e firm (having as a gent) and the nam rneys or agents. If printed. ve) atent. If an assign assignment.	n membe les of up no name	er a 2 to e is 3 entified below, the d	ocument has been filed for
Please check the appropr 4a. The following fee(s)			printed on the patent) :				
Issue Fee	are submitted.	-	A check is enclosed.			•	
			<ul> <li>Payment by credit card. Form PTO-2038 is attached.</li> <li>The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any</li> </ul>				
Advance Order -	# of Copies		overpayment, to Depo	sit Account Numbe	er	equired fee(s), any de (enclose a	n extra copy of this form).
5. Change in Entity Sta		,					
NOTE: The Issue Fee an	ns SMALL ENTITY statu nd Publication Fee (if req records of the United Sta	uired) will not be accepted	b. Applicant is no long ed from anyone other than t k Office.				
Authorized Signature	·			Date			
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an application. Confiden submitting the complete this form and/or suggest	tiality is governed by 35 d application form to the ions for reducing this bu Virginia 22313-1450. DO	U.S.C. 122 and 37 CFR USPTO. Time will var rden, should be sent to the	ion is required to obtain or r R 1.14. This collection is est y depending upon the indiv he Chief Information Office COMPLETED FORMS TO	imated to take 12 i idual case. Any co r. U.S. Patent and	minutes omments Tradem	to complete, including on the amount of the ark Office, U.S. Depa	g gathering, preparing, and me you require to complete artment of Commerce, P.O.

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86244 7590 10/02/2009 Snell & Wilmer L.L.P., (Barker) One Arizona Center 400 East Van Buren Street Pheonix, AZ 85004-2202			EXAMINER			
			FRENEL, VANEL			
			ART UNIT PAPER NUM			
			3687 DATE MAILED: 10/02/200	9		

## **Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1005 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1005 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)					
	10/708,545	BONALLE ET AL.					
Notice of Allowability	Examiner	Art Unit					
	VANEL FRENEL	3687					
The MAILING DATE of this communication apper All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication GHTS. This application is subject to	blication. If not includ	ed course. <b>THIS</b>				
1. X This communication is responsive to <u>7/13/09 Amendment</u> .							
2. 🔀 The allowed claim(s) is/are <u>20-22 and 24-35</u> .							
<ul> <li>3. ☐ Acknowledgment is made of a claim for foreign priority ur</li> <li>a) ☐ All</li> <li>b) ☐ Some*</li> <li>c) ☐ None</li> <li>of the:</li> </ul>							
1. Certified copies of the priority documents have							
<ol> <li>Certified copies of the priority documents have</li> <li>Copies of the certified copies of the priority documents</li> </ol>			tion from the				
International Bureau (PCT Rule 17.2(a)).	currents have been received in this	national stage applica	uon nom the				
* Certified copies not received:							
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the rea	quirements				
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give			IOTICE OF				
5. 🔲 CORRECTED DRAWINGS ( as "replacement sheets") mus	t be submitted.						
(a) 🔲 including changes required by the Notice of Draftspers	on's Patent Drawing Review(PTO-	948) attached					
1) 🔲 hereto or 2) 🔲 to Paper No./Mail Date	1) $\square$ hereto or 2) $\square$ to Paper No./Mail Date						
(b) including changes required by the attached Examiner's Paper No./Mail Date	s Amendment / Comment or in the C	Office action of					
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t			) back) of				
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.							
Attachment(s)							
1. INotice of References Cited (PTO-892)	5. 🔲 Notice of Informal P	atent Application					
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. 🗌 Interview Summary Paper No./Mail Dat	.e					
3. ⊠ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>20081223, 20081125, 20081120, 200</u>	7. 🗌 Examiner's Amendr	nent/Comment					
<ul> <li>4. Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ul>	8. 🛛 Examiner's Stateme	8. 🛛 Examiner's Statement of Reasons for Allowance					
	9. 🗌 Other						

Continuation Sheet (PTOL-37)

## **DETAILED ACTION**

## **Notice to Applicant**

1. This communication is in response to the RCE filed on 7/13/09. Claims 1-19 have been cancelled. Claims 20-21, 26, 28-32, and 35 have been amended. Claims 20-22 and 24-35 are pending.

## Allowable Subject Matter

2. Claims 20-35 are allowed. The following is an examiner's statement of reasons for allowance.

Independent claims 20, 26, 28, 32 and 35 are directed to "transmitting said financial transaction request to a transaction processor; receiving a denial message from said transaction processor in response to said transactions counted value exceeding a maximum transactions value; and denying, by said merchant system, said financial transaction request in response to said transactions counted value exceeding said maximum transactions value".

The closest prior art of record: Anderson et al. (6,608,551) discloses low-cost radio replacement utilizing rfid technology.

Hurta et al. (6,317,721) discloses transaction accounting of toll transactions in transponder systems.

However, the combination of Anderson and Hurta fails to teach/suggest "transmitting said financial transaction request to a transaction processor; receiving a denial message from said transaction processor in response to said transactions Application/Control Number: 10/708,545 Art Unit: 3687

counted value exceeding a maximum transactions value; and denying, by said merchant system, said financial transaction request in response to said transactions counted value exceeding said maximum transactions value", as recited in claims 20, 26, 28, 32 and 35 above.

Claims 21-22, 24-25, 27, 29-31 and 33-34 incorporate the features of claims 20, 26, 28, 32 and 35 through their dependencies, and are also allowed for the same reasons given above.

The drawings filed on 3/10/04 have been acknowledged and considered by the Examiner.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

Application/Control Number: 10/708,545 Art Unit: 3687

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/ Primary Examiner, Art Unit 3687 September 23, 2009